

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JONATHAN FARBER,

Plaintiff,

v.

**GOLDMAN SACHS GROUP, INC. and
GOLDMAN, SACHS & CO.,**

Defendants.

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10 Civ. 0873 (BSJ) (GWG)

ECF CASE

**NOTICE OF MOTION TO DISMISS
THE COMPLAINT**

PLEASE TAKE NOTICE that upon the Declaration of C. Evan Stewart, sworn to March 8, 2010, and the accompanying memorandum of law, Defendants The Goldman Sachs Group, Inc. and Goldman, Sachs & Co. will move this Court, before the Honorable Barbara S. Jones, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, as soon as counsel may be heard, for an Order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing the complaint with prejudice and granting such other relief as the Court deems just and proper.

Dated: March 8, 2010

Respectfully submitted,

ZUCKERMAN SPAEDER LLP

By: /s/ C. Evan Stewart
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